

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 1, 1999**

## DIVISION ONE

B124388 People (Not for Publication)  
v.  
Vela

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B120753 People (Not for Publication)  
v.  
Baker

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

July 1, 1999-Continued

## DIVISION ONE (Continued)

B131025      Melissa P.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Department of Children and Family Services, r.p.i.)

The petition is denied.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

B125801 People (Not for Publication)  
v.  
Romero

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed. The matter is remanded to the trial court to clarify the amount of the restitution fine and to impose and suspend a parole revocation fine in the same amount. (Pen. Code, §§ 1202.4, subd. (b); 1202.45).

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B117547 Karifa Capital Corp.  
v.  
Silbert

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment) (Zebrowski, J. would grant rehearing.)

B113522      Berrett      (Not for Publication)  
v.  
Fung et al.

The judgment is reversed insofar as it denies appellant his costs at trial and damages for pain and suffering. The cause is remanded for a new trial solely on the issue of the amount of general damages. Upon resolution of that issue, the trial court is directed to enter judgment in favor of appellant for the amount so found, after reducing the award by 25 percent to take into account appellant's comparative negligence. Appellant is entitled to his costs on appeal.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

July 1, 1999-Continued

## DIVISION TWO (Continued)

B126642      Nielsen                      (Not for Publication)  
v.  
Wolf

The order under review is affirmed. Each party shall bear his or her own costs.

Mallano, J. (Assigned)

We concur:   Nott, Acting P.J.  
                      Zebrowski, J.

B125841 People (Not for Publication)  
v.  
Dukes

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B123843 People (Not for Publication)  
v.  
Long

The Court:

The finding that appellant suffered a prior felony conviction within the meaning of the Three Strikes law is reversed, the maximum term of confinement is vacated, and the matter is remanded for further proceedings on the prior conviction allegation. In all other respects, the judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

July 1, 1999-Continued

## DIVISION TWO (Continued)

[illegible]

### The Court:

The judgment as to count 2, assault with a firearm with a finding of personal firearm use, is reversed. In all other respects, the judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B126564      People      (Not for Publication)  
v.  
Shantyl Dawn E.

The cause is remanded and the juvenile court is directed to expressly declare pursuant to Welfare and Institutions Code section 702 whether the receiving stolen property and burglary offenses sustained herein were felonies or misdemeanors. If either or both are declared to be misdemeanors, the court shall recalculate appellant's maximum period of physical confinement. In all other respects, the orders under review are affirmed.

Mallano, J. (Assigned)

We concur:   Nott, Acting P.J.  
                      Zebrowski, J.

July 1, 1999-Continued

DIVISION THREE

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B116969 People  
v.  
Martinez et al.

Filed order modifying opinion. (No change in the judgment)

B114504 People (Certified for Publication)  
v.  
Cortez

The judgment is affirmed, except that the true finding as to the allegation that Cortez suffered a 1992 conviction for discharging a firearm from a motor vehicle pursuant to the Three Strike Law is reversed, his sentence is vacated, and the matter is remanded for a new trial as to that allegation, a new sentencing hearing, and for further appropriate proceedings not inconsistent with this opinion.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B126119      Glenn Hightower      (Not for Publication)  
                 v.  
                 Daniel O'Dowd

The trial court's order granting the preliminary injunction is affirmed.  
Hightower shall recover his costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

B122113      The Doctors' Company      (Not for Publication)  
                 v.  
                 Christine Mather et al.

The summary judgment is affirmed. Doctors shall recover its costs on  
appeal.

Croskey, J.

We concur:    Klein, P.J.  
                 Kitching, J.

B117737      County of Los Angeles      (Not for Publication)  
                 v.  
                 Santos Marquez

The order from which Santos has appealed is affirmed. Costs on appeal to  
the County of Los Angeles.

Croskey, J.

We concur:    Klein, P.J.  
                 Aldrich, J.

July 1, 1999-Continued

## DIVISION FOUR

[illegible]

The judgment is reversed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

DIVISION FIVE

B124373      People      (Not for Publication)  
v.  
Lennie Darryl Sims

The order correcting the unauthorized stay of the section 12022.5 enhancement is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting the correction of the four-year section 12022.5 enhancement as well as the correct presentence credits calculated on September 21, 1994, of 831 days and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B123023      People      (Not for Publication)  
v.  
Mark Gregory Alexander

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.



July 1, 1999-Continued

## DIVISION FIVE (Continued)

B120209 People (Not for Publication)

V.

Francisco Antonio Perez

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.

Grignon, J.

B126607 People (Certified for Partial Publication)

V.

Carolyn Jean Hannah

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.

Godoy Perez, J.

B127511 People (Not for Publication)

V.

Bridgette A.

The wardship order is affirmed.

Turner, P.J.

We concur: Grignon, J.

Armstrong, J.

DIVISION FIVE (Continued)

B128589      Susan Lee Christensen      (Not for Publication)  
                 v.  
                 Terry Neal Christensen

The December 7, 1998, order on bifurcated issues is affirmed. Susan Lee Christensen is to recover her costs on appeal from Terry Neal Christensen.

Turner, P.J.

We concur:   Grignon, J.  
                 Godoy Perez, J.

B125108      People v. Jack Glen Robertson      (Not for Publication)  
B127466      In Re Jack Glen Robertson On Habeas Corpus

The Judgment is affirmed. The petition for writ of habeas corpus is denied.

Armstrong, J.

We concur:   Turner, P.J.  
                 Grignon, J.

B128519      People  
                 v.  
                 Young

Cause deemed submitted as of June 21, 1999.

July 1, 1999-Continued

DIVISION SIX

B123898 People v. Koelsch (Not for Publication)

---

The order is reversed and remanded with instructions to allow Koelsch to withdraw her guilty plea and to proceed under 1996 version of section 1000 et seq.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Matz, J. (Assigned)

## DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Hay, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

Each of the following:

B119556 People v. Honore  
B119880 People v. Knutte, Dukett & Roberts  
B120964 People v. Lyman  
B121249 People v. Ortiz  
B123445 People v. Mojarro  
B124143 People v. Bowser  
B125461 People v. Dixon  
B123701 People v. Valadez  
B123791 People v. Gonzalez  
B124843 People v. Williams  
B124954 People v. Riht  
B125196 People v. McCain  
B125429 People v. Anthony R.  
B12519 People v. Gutierrez  
B125680 People v. Robert James L.  
B126238 People v. John L.

DIVISION SEVEN (Continued)

Each of the following (cont.):

B127233 People v. Jason Victor H.  
B127255 People v. Payton  
B126678 People v. Walker  
B126602 County of L.A. v. Victoria L.  
B127121 D.C.F.S. v. Vickie D.  
B131147 Dale B. v. S.C.L.A.  
B111848 People v. Estrada  
B116730 People v. Godoy and Robles  
B120738 Ayrs v. Toyota Of North Hollywood, Inc.

Argument waived, cause submitted.

B124646     People  
              v.  
              Lajeunese

Merits:

Argued by Barbara Michel for appellant and by Valerie A. Baker, deputy attorney general, for respondent. Cause submitted.

B126747     People  
              v.  
              Wilson

Merits:

Argued by Susan D. Shors for appellant and by Steven E. Mercer, deputy attorney general, for respondent. Cause submitted.

B120804     People  
              v.  
              Manning

Merits:

Argued by Barbara Michel for appellant and by Margaret E. Maxwell, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B123045     Flores  
              v.  
              Ose

Merits:  
Argued by David B. Simpson for appellant and by Carol A. Sobel for respondent. Cause submitted.

B124052     Green  
              v.  
              Gossenberger

Appearances:  
Paul R. Roper for appellant and by Morris Stone for respondent. Argument waived, cause submitted.

B125902     Amelco Corporation  
              v.  
              Affiliated FM Insurance Company

Merits:  
Argued by Sean Brew for appellant and by Scott G. Johnson for respondent. Cause submitted.

B114550     Burton  
              v.  
              Burton

Merits:  
Argued by Joseph Nichols for appellant and by Julie S. Hernandez for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B116187 People v. Young and Miles  
B122655 Kupeta v. Phillips College of Los Angeles, Inc., et al.

Each:

Oral argument continued to August 5, 1999, at 9:00 a.m.

B105340 Kudler  
v.  
Calif. Dept. of Transportation

Merits:

Argued by O.J. Solander for appellant and by Charles F. Kester for respondent. Cause submitted.

B126462 Kudler  
v.  
Calif. Dept. of Transportation

Merits:

Argued by O.J. Solander for appellant and by Charles F. Kester for respondent. Cause submitted.

B125203 Kim  
v.  
W.C.A.B.  
(Calif. Compensation Insurance)

Appearances:

Bitá Adham for petitioner and by Christina J. Imre for respondent.  
Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B128414     Ring Trading Corp.  
              v.  
              City of Santa Monica  
              Mountain View Mobile Inn Residents Association

Oral argument continued to August 5, 1999, at 10:00 a.m.

B130842     Bolkiah et al.  
              v.  
              S.C.L.A.  
              Bijan Fragrances

Oral argument continued to August 5, 1999, at 10:00 a.m.

B126844     County of Los Angeles  
              v.  
              Raya

Merits:  
Argued by Louis P. Dell for appellant and by Susan E. Skelding, deputy  
district attorney, for respondent. Cause submitted.

B124654     Pabalan  
              v.  
              Los Angeles Unified School District

Merits:  
Argued by William R. Hess for appellant and by Kurt Fritz for respondent.  
Cause submitted.

B120027     Interim Capital, Inc.  
              v.  
              Capital CSX/Sea Land Terminal

Merits:  
Argued by Joseph R. Zamora for appellant and by Jon R. Robertson for  
respondent. Cause submitted.

DIVISION SEVEN (Continued)

B121025     O' Hara  
              v.  
              The Cutting Edge

Merits:  
Argued by David Crochetiere for appellant and by John P. Byrne for  
respondent. Cause submitted.

B127231     Bordwell  
              v.  
              Apple One Employment Services

Merits:  
Argued by Kenneth P. Roberts for appellant and by Laurie Gorsline for  
respondent. Cause submitted.

Court recessed at 12:15 p.m.

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Hay, J. (Assigned), and Emma Jean  
Amos, Deputy Clerk.

B119500     Kopin International  
              v.  
              Flexsteel Industries

Merits:  
Argued by Patrick K. Huang for appellant and by Flexsteel Industries for  
respondent. Cause submitted.



DIVISION SEVEN (Continued)

B121575 Burns, Ammirato, Palumbo, Milam & Baronian  
v.  
Continental Casualty Company

Merits:

Argued by David V. Rose for respondent and no appearance by counsel for appellants. Cause submitted.

B116869 Reichman  
v.  
Chandler  
Nero

Merits:

Argued by Leonard Chaitin for appellant and by David Clark for respondent and by James Kostas for respondent. Cause submitted.

B122883 Drabinsky  
v.  
Lewis

Merits:

Argued by J. Grant Kennedy for appellant and by Holly R. Paul for respondent. Cause submitted.

B106977 Ascencio  
v.  
Unocal Corporation

Merits:

Argued by James B. Kropff for appellant and by Vernon T. Meador for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B120395     Reader  
              v.  
              Reader

Merits:  
Argued by Robert E. Suttle for appellant and by Rene Tovar for respondent.  
Cause submitted.

B107860     Fingold  
              v.  
              L.A. County Employee Relations Commission

Merits:  
Argued by Sheilah Curtis, deputy county counsel, for appellant and by  
Lawrence Teeter for respondent. Cause submitted.

B124597     Rose  
              v.  
              Townsend

Merits:  
Argued by Richard G. Carlsiton for appellant and by William A. Kent for  
respondent. Cause submitted.

B122582     Jaeger  
              v.  
              Home Insurance Company

Oral argument continued to August 6, 1999, at 2:00 p.m.

B115302     Filippo Industries  
              v.  
              Sun Insurance Company

Oral argument continued to July 2, 1999, at 9:00 a.m.

Court adjourned at 4:35 p.m.